

December 27, 2024

SENT BY FIRST CLASS & CERTIFIED MAIL

Ms. Jonelle Cameron
Walsh, Colucci, Lubeley & Walsh
4310 Prince William Parkway, Suite 300
Woodbridge, VA 22192-5199

Re: **Proffer Interpretation/Determination Case # ZNR2025-00092**
Regarding a Specific Proffered Transportation Improvements (Proffer #5) of
Rezoning #PLN2003-00373, University of Virginia Foundation Property

Dear Ms. Cameron:

I understand that the purpose of the requested proffer interpretation/determination is to confirm proffer compliance for specific proffered transportation improvements (proffered condition #5) associated with the above referenced rezoning case. Prior to the submitted request for a proffer interpretation/determination, you provided the details of the specific proffered transportation improvements to the Department of Transportation for their review and interpretation of proffer compliance. Subsequently, the Department of Transportation responded with the attached memorandum, which concludes that proffered condition #5 associated with Rezoning #PLN2003-00373 is no longer valid since the Comprehensive Plan has changed to no longer call for the originally contemplated expansion of Thoroughfare Road to four lanes. It was further concluded that Thoroughfare Road will continue to remain a two-lane roadway.

This determination letter serves to confirm the findings of the attached memorandum from Paolo J. Bellita, Assistant Director of the Department of Transportation, dated November 25, 2024. As a result, the County's computer system will be updated to change the status of the above referenced proffered condition from "active" to "inactive". Should you have any questions, please feel free to contact this office.

The Zoning Ordinance allows that anyone aggrieved by a proffer interpretation/determination of the Zoning Administrator may appeal the decision to the Board of County Supervisors (BOCS). An appeal must be filed within 30 days of receipt of this letter with the clerk to the board and the zoning administrator. The BOCS will schedule and advertise a public hearing to consider an appeal within 30 days unless there is no regular meeting scheduled, in which case the BOCS shall act at its next regular meeting. The determination contained within this letter shall be final if an appeal is not filed within 30 days of receipt of this letter. The application fee and the appeal application form is available on our web page at the following link:
<https://www.pwcva.gov/assets/2021-06/Application%20for%20an%20Appeal.pdf>

Sincerely,



Lisa Fink-Butler, CZA, CTM
Zoning Administrator

cc: Paolo J. Belita, Assistant Director of the Department of Transportation
Kerry Burnette, Proffer Administrator



November 25, 2024

TO: Lisa Fink-Butler, CZA, CTM
Zoning Administrator

Kerry Burnette
Proffer Administrator

FROM: Paolo J. Belita, AICP, PTP
Assistant Director of Transportation
Department of Transportation

RE: UVA Foundation Property - PLN2003-00373 – Comprehensive Plan Changes and Impact to Transportation Proffer

The approved Proffers for REZ #PLN2003-00373, UVA Foundation Property as approved by the Board of County Supervisors (Board) on January 22, 2008, includes Proffer 5 under Transportation related to the connection of the development to Thoroughfare Road that read:

“There shall be no street connection from the Property to Thoroughfare Road until such time as the Thoroughfare Road Improvements contemplated by the Comprehensive Plan are constructed by others. In the event the Thoroughfare Road improvements are constructed during the course of development of the Property, the Applicant shall construct the said street connection. In the event the Thoroughfare Road improvements are not constructed prior to completion of development of the Property, the Applicant shall escrow funds with the County for the then estimated cost of construction of said improvements.”

Department of Transportation staff has concluded that Proffer 5 Associated with Rezoning REZ#PLN2003-00373, UVA Foundation Property is no longer valid since the Comprehensive Plan has changed to no longer call for the originally contemplated expansion to four lanes of the roadway. The roadway will continue to remain a two-lane roadway.

As a result, it is being requested that the status of the above proffer in EnerGov be changed from “active” to “inactive”.